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10/715,233

11/17/2003

Luis A. Castillo

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EXAMINER

KEEFER, MICHAEL E

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,233

Applicant(s)

CASTILLO ET AL.

Examiner

Michael E. Keefer

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/2/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the Application filed 11/17/2003.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

3. Claims 1-30 are objected to because of the following informalities:

Regarding **claim 1**, it is suggested that in line 3 the word "an" be deleted and replaced with the word --the-- to improve the clarity of the claim.

It is suggested that in line 5 the word --the-- be inserted after the words "performing" and "on" to improve the clarity of the claim.

It is suggested that in line 6 the word --the-- be inserted at the beginning of the line.

It is suggested that in line 6 the word "an" be deleted and replaced with the word --said-- to improve the clarity of the claim.

It is suggested that in line 6 the word "event;" be deleted and replaced with the word --events;-- to improve the clarity of the claim.

It is suggested that in line 7 the word "a" be deleted and replaced with the word --said-- to improve the clarity of the claim.

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It is suggested that in line 7 the word "event" be deleted and replaced with the word --events-- to improve the clarity of the claim.

It is suggested that in line 8 the word --the-- be inserted after the word "performing" to improve the clarity of the claim.

It is suggested that in line 8 the word --the-- be inserted after the word "on" to improve the clarity of the claim.

It is suggested that in line 9 the word --the-- be inserted after the word "ending" to improve the clarity of the claim.

It is suggested that in line 9 the word --said-- be inserted after the word "for" to improve the clarity of the claim.

It is suggested that in line 9 the word "event;" be deleted and replaced with the word --events;-- to improve the clarity of the claim.

Regarding **claim 3**, it is suggested that in line 3 the word --said-- be inserted after the words "of" and "for" to improve the clarity of the claim.

It is suggested that in line 1 the number "1" be deleted and replaced with the number --2-- to improve the clarity of the claim.

Regarding claim 5, it is suggested that in line the that the word "an" be deleted and replaced with the word --the-- to improve the clarity of the claim.

Regarding claims 7-10, it is suggested that in line 2 the word --the-- be inserted at the beginning of the line and after the word "on" to improve the clarity of the claim.

Regarding claim 10, it is suggested that in line 2 the word --said-- be inserted after the word "as" to improve the clarity of the claim.

Regarding claim 11, it is suggested that in line 2 the word --the-- be inserted after the word "performing" to improve the clarity of the claim.

Regarding claim 12, it is suggested that in line 3 the word --the-- be inserted at the beginning of the line to improve the clarity of the claim.

Regarding claim 13, it is suggested that in line 13 the word --the-- be inserted at the beginning of the line to improve the clarity of the claim.

Regarding claim 17, it is suggested that in line 2 the phrase "is a value corresponding to one of" be deleted and replaced with the phrase --is one of:-- to improve the clarity of the claim.

Regarding claims 19-21, it is suggested that in line 1 the word --the-- be inserted at the end of the line to improve the clarity of the claim.

Regarding claim 21, it is suggested that in line 2 the word "event" at the end of the line be deleted and replaced with the phrase --of the events-- to improve the clarity of the claim.

Regarding claim 23, it is suggested that in line 2 the word --the-- be inserted after the word "comprise" to improve the clarity of the claim.

Regarding claims 24-25, it is suggested that in line 1 the word "the" be inserted after the word "wherein" to improve the clarity of the claim.

Regarding claim 26, it is suggested that in line 7 the word --said-- be inserted at the beginning of the line to improve the clarity of the claim.

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It is suggested that in line 10 the word --the-- be inserted after the word "on" to improve the clarity of the claim.

It is suggested that in line 11 the word --said-- be inserted after the word "on" to improve the clarity of the claim.

It is suggested that in line 14 the word --the-- be inserted after the word "perform" to improve the clarity of the claim.

It is suggested that in line 15 the word --the-- be inserted after the word "assign" to improve the clarity of the claim.

It is suggested that in line 15 the word "validation" be deleted and replaced with the phrase --the revalidation-- to improve the clarity of the claim.

It is suggested that in line 19 the word --said-- be inserted after the word "exiting" to improve the clarity of the claim.

Regarding claim 27, it is suggested that in line 5 the word "a" before "monitored" be deleted and replaced with the word --the-- to improve the clarity of the claim.

It is suggested that in line 6 the word "the" before "status" be deleted and replaced with the word --a-- to improve the clarity of the claim.

Regarding claim 28, it is suggested that in line 2 the word "the" be deleted and replaced with the word --a-- to improve the clarity of the claim.

It is suggested that in line 4 the word "an" be deleted and replaced with the word --the-- to improve the clarity of the claim.

It is suggested that in line 10 the word --said-- be inserted at the beginning of the time to improve the clarity of the claim.

It is suggested that in line 11 the word "validation;" be deleted and replaced with the word --revalidation;-- to improve the clarity of the claim.

It is suggested that in line 15 the word --the-- be inserted before the word "automated" to improve the clarity of the claim.

Claims 2-26 and 29-30 are objected to for depending upon objected claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claim 30, the "computer-readable medium," in accordance with Applicant's specification, may be any transmission media (i.e. a carrier wave). This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5-7, 9-20, 22, 24-25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwald et al. (WO 91/86444), hereafter Greenwald in view of Callay (US 5610923).

Regarding claims 1, 5-7, 9-20, 22, 24-25 and 27-30, Greenwald discloses:

A method of automated validation of an event of a monitored object in a network to determine valid and invalid events, comprising:

(a) receiving an event having event details, wherein the event details include event class; (Page 21, lines 12-15 disclose receiving faults, lines 24-25 disclose that each fault has a fault type, Also see page 22, lines 7-18)

(b) performing automated validation of the event based on event class and ending automated validation for an invalid event; (page 23, lines 8-16 disclose fault handlers that perform diagnosis and tests on faults that return statuses (PROBLEM/NO_PROBLEM/UNKNOWN, see page 25 lines 20-32)

(c) performing remediation of a valid event selected for remediation, and then performing automated validation of the valid event based on event class and ending automated validation for invalid event; and (pages 30-31 disclose finding a root cause of a selected fault (i.e. remediation), page 15, lines 5-7 disclose

verifying that the problem has been fixed, page 20 lines 6-15 disclose providing a solution to the problem to be implemented)

(d) automatically dispatching a problem ticket for the valid event. (page 19, line 30 - page 20 line 3 disclose presenting fault information (i.e. a problem ticket) to a user to solve the problem)

event validation on the event based on event class comprises invoking a specific method for validating an event corresponding to the event class, whereby the same method is invoked for every event of the event class. (page 23, lines 8-16 disclose that a fault handler is tied to a fault type, and that the highest priority fault handler for that fault type will be invoked for each fault from that fault type)

the specific method executes a validation task and analyzes the return code to determine event status. (page 26, lines 27-30 disclose that the return value of the fault handler is analyzed to determine if further processing is necessary)

performing event validation on the event based on event class designates secondary events as invalid events. (page 18 lines 33-35 discloses the suppression of secondary faults)

the step of creating an event record descriptive of the event prior to performing event validation. (Page 18 lines 26-27 disclose the creation of fault objects as soon as a fault is detected)

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the step of updating the event record with a status of the event as valid or invalid after performing event validation. (the fault object is updated after every fault handler is executed)

appending information indicative of results of the automated event processing to a problem ticket. (Page 19 lines 30-36 disclose including the processing steps and their results in the trouble ticket that is forwarded to the user.)

the information includes a variable having a value assigned indicating one of a plurality of results. (each diagnostic performed has a result of problem, no problem or unknown)

the value assigned to the variable is a value corresponding to one of (a) no problem found and event not validated; (b) problem found and will go on with problem ticket if required; (c) problem found but was fixed by automated tasks; (d) task failed to execute, however the problem may still be valid and will go on with problem ticket if required; (e) task failed to execute and an unknown anomaly was found and a ticket will be created; and (f) event correlated and this event should not be forwarded due to possible correlation. (The PROBLEM value represents (c), the unknown value represents (e) and (f)).

The problem ticket inherently includes file path information to result files because the fault object that is presented to the user contains pointers to the locations of the result objects. (Fig 3C)

Greenwald discloses all the limitations of claims 1, 5-7, 9-20, 22, 24-25 and 27-30 except for performing automated validation of the event before performing remediation of the event.

The general concept of checking to make sure an alarm represents a real fault (i.e. it is not a false positive) in the system before further processing is well known in the art as taught by Callay. (Abstract, line 1 teaches determining whether a maintenance message generated is or is not a real fault.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Greenwald with the general concept of checking to make sure an alarm represents a real fault in the system before further processing as taught by Callay in order to save computation cycles in the system by not wasting them by diagnosing spurious problems.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwald and Callay as applied to claim 1 above, and further in view of Hermann et al. (US 2002/0138638), hereafter Hermann.

Greenwald and Callay teach all the limitations of claim 4 except for ignoring events from devices that are in maintenance.

The general concept of ignoring alarms from machines that are in maintenance is well known in the art as taught by Hermann. ([0034] discloses ignoring alarms from systems that are undergoing maintenance.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Greenwald and Callay with the general concept of ignoring alarms

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from machines that are in maintenance as taught by Hermann in order to further eliminate alarms to process from the system.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwald and Callay as applied to claim 1 above, and further in view of Golov et al. (US 6124790), hereafter Golov.

Greenwald and Callay teach all the limitations of claim 8 except for marking transient events as invalid events.

The general concept of ignoring transient events in a fault handling system is well known in the art as taught by Golov. (Col. 2 lines 9-11)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Greenwald and Callay with the general concept of ignoring transient events in a fault handling system as taught by Golov in order to filter out redundant alarm messages that do not convey useful or necessary fault information. (Golov, Col 2 lines 15-19)

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwald and Callay as applied to claim 1 above, and further in view of Kojima et al. (US 6384848), hereafter Kojima.

Greenwald and Callay teach all the limitations of claim 23 except for automatic remediation of events, if available.

The general concept of having automatic remediation available for system events and alarms is well known in the art as taught by Kojima. (Col. 4 lines 39-47 teach that an automatic correction function can be associated with an event/alarm.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Greenwald and Calley with the general concept of having automatic remediation available for system events and alarms as taught by Kojima in order to allow the operator spend more time to handle more complex errors and faults.

10. Claim 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwald and Callay as applied to claim 1 above, and further in view of Daniel et al. (US 5321837), hereafter Daniel.

Greenwald and Calley teach all the limitations of claim 21 except for the use of a default event handler if an event class does not have a pre-defined event handler.

The general concept of assigning a default handler for an object that does not have a specific handler is well known in the art as taught by Daniel. (Col. 2 line 43 teaches the assigning of a default event class to events that do not fit any of the pre-defined classes, which inherently would lead to a default event handler for that class. In addition, Col. 2 line 68 - Col. 3 line 3 teach the use of a default action for an event that does not have a pre-defined action.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Greenwald and Calley with the general concept of assigning a default handler for an object that does not have a specific handler as taught by Daniel in order to make sure that all events have some processing applied to them regardless of class (i.e. logging).

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11. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwald and Calley as applied to claim 1 above, and further in view of Chivaluri (US 5872931).

Greenwald and Calley teach all the limitations of claims 2-3 except for not performing the automated validation if the event type is not supported by automated validation.

The general concept of not performing a process for a task that is not supported by that process is well known in the art as taught by Chivaluri. (Col. 9, lines 58-59 teaches that only alarms that are specifically defined are the only ones handled by the alarm handling system.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Greenwald and Calley with the general concept of not performing a process for a task that is not supported by that process is well known in the art as taught by Chivaluri in order to relieve the administrator of a great deal of effort. (Chivaluri, Col. 9 lines 49-53)

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwald in view of Calley in further view of Chivaluri in further view of Hermann.

Greenwald discloses all of the limitations of claim 26 as illustrated in the above rejection of claim 1 except for: if the event calls qualifies for automated processing, performing automated validation of the event before performing remediation of the event, and ignoring events from devices that are in maintenance.

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The general concept of concept of checking to make sure an alarm represents a real fault (i.e. it is not a false positive) in the system before further processing is well known in the art as taught by Callay. (Abstract, line 1 teaches determining whether a maintenance message generated is or is not a real fault.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Greenwald with the general concept of checking to make sure an alarm represents a real fault in the system before further processing as taught by Callay in order to save computation cycles in the system by not wasting them by diagnosing spurious problems.

Greenwald and Calley teach all of the limitations of claim 26 except for: if the event calls qualifies for automated processing, and ignoring events from devices that are in maintenance.

The general concept of not performing a process for a task that is not supported by that process is well known in the art as taught by Chivaluri. (Col. 9, lines 58-59 teaches that only alarms that are specifically defined are the only ones handled by the alarm handling system.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Greenwald and Calley with the general concept of not performing a process for a task that is not supported by that process is well known in the art as taught by Chivaluri in order to relieve the administrator of a great deal of effort. (Chivaluri, Col. 9 lines 49-53)

Greenwald, Calley and Chivaluri teach all of the limitations of claim 26 except for: ignoring events from devices that are in maintenance.

The general concept of ignoring alarms from machines that are in maintenance is well known in the art as taught by Hermann. ([0034] discloses ignoring alarms from systems that are undergoing maintenance.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Greenwald, Callay and Chivaluri with the general concept of ignoring alarms from machines that are in maintenance as taught by Hermann in order to further eliminate alarms to process from the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday-Thursday 7am-4:30pm, second Fridays 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. If you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NATHAN J. FLYNN
PATENT EXAMINER
EBC CENTER 21 00

MEK 6/15/2007